



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,470	12/01/2001	Natan E. Tiefenbrun	2649.11	9389

5514 7590 03/15/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2175

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/008,470

Applicant(s)

TIEFENBRUN ET AL.

Examiner

Charles L. Rones

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-21-02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Declaration

The Declaration submitted December 17, 2003 has been entered and considered.

Drawings

New corrected drawings are required in this application because the corrected drawings filed on March 21, 2002 have figures with boxes and lines outside the margin or too close to the edge of the page. See Figs. 2A and 8-11. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2175

Claims 1-6, 8-17, 19, 21-28, and 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al. U.S. Patent No. 5,546,529 ('Bowers').

Bowers discloses:

As to claims 1, 12, 23, and 33,

selecting, by a user, the attributes in accordance with the user's preference; See 7:18-67; 8:1-35; and

creating the tree in accordance with the selected attributes; See 7:18-67; 8:1-35.

As to claims 2, 13, and 24

comprising the step of displaying the tree; See 4:1-3.

As to claims 3, 14, and 25,

wherein when one of the tree nodes is selected by the user, all of the objects associated with at least that node are also displayed; See 7:18-67; 8:1-35.

As to claims 4, 15, and 26,

step of associating a new object with one of the tree nodes; See 7:18-67; 8:1-35.

Art Unit: 2175

As to claims 5, 16, and 27,

the step of associating a modified object with one of the tree nodes; See 7:18-67; 8:1-35.

As to claims 6, 17, and 28,

wherein a node is added to the tree when an object requiring that node has been added or modified; See 7:18-67; 8:1-35.

As to claim 8, 19, and 30,

wherein the user selects a node to operate upon the objects associated with the selected node; See 7:18-67; 8:1-35.

As to claims 9 and 31

wherein the user selects two or more nodes to operate upon all objects associated with the selected nodes; See 7:18-67; 8:1-35.

As to claims 10, 21, and 32;

wherein the attributes maybe inherent or derived; See 7:18-67; 8:1-35.

Art Unit: 2175

As to claims 11 and 22,

associating the plurality of objects with the node, each object having a plurality of attributes, wherein the objects associated with any one of the nodes is a superset of objects associated with lower nodes; See 7:18-67; 8:1-35; and

applying a filter to each lower node in successive fashion so that only those objects contained in a higher node that have an attribute matching the node attribute are displayed; See 7:18-67; 8:1-35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 18, 20, and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. U.S. Patent No. 5,546,529 ('Bowers') in view of Kothuri et al. U.S. Patent No. 6,470,344 ('Kothuri').

As to claims 7, 18, and 29,

Bowers discloses the claimed invention except for wherein a node is deleted when objects requiring that node no longer exist. Kothuri teaches that it is known to provide wherein a node is deleted when objects requiring that node no longer exist. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide wherein a node is deleted when objects requiring that node no longer exist as taught by Kothuri, since Kothuri states at column 19, lines 4-43 that such a modification would allow empty, under-filled or inefficient nodes to be deleted for more efficient operation.

As to claim 20,

wherein the user selects two or more nodes to operate upon all objects associated with the selected nodes; See 7:18-67; 8:1-35.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for

Art Unit: 2175

the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

A handwritten signature in cursive script that reads "Charles Rones".

Charles L. Rones
Primary Examiner
Art Unit 2175

March 10, 2003